

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA**

1789 FOUNDATION INC., d/b/a
CITIZEN AG, and ANTHONY
GOLEMBIEWSKI,

Plaintiffs,

v.

AL SCHMIDT, in his official capacity as
Secretary of the Commonwealth, and the
COMMONWEALTH OF
PENNSYLVANIA,

Defendants.

Case No. 3:24-cv-01865-RDM
(Hon. Robert D. Mariani)

**NOTICE OF NON-OPPOSITION TO MOTION TO INTERVENE OF
AFT PENNSYLVANIA AND THE PENNSYLVANIA ALLIANCE FOR
RETIRED AMERICANS**

Proposed Intervenors AFT Pennsylvania and the Pennsylvania Alliance for Retired Americans moved to intervene in this case on November 7, 2024, and filed a supporting brief the same day. *See* ECF Nos. 22, 23. Pursuant to Local Rule 7.1, counsel for Proposed Intervenors sought concurrence in the Motion from the existing parties. Defendant Schmidt consented, while Plaintiffs and Defendant Commonwealth did not provide consent. *See* ECF No. 22 at 4.

Local Rule 7.6 provides that “[a]ny party opposing any motion . . . shall file a brief in opposition within fourteen (14) days after service of the movant’s brief.” L.R. 7.6. Accordingly, because Proposed Intervenors’ motion and brief were served

on November 7, the fourteen-day timeline for such briefs in opposition lapsed on November 21, 2024. Neither Plaintiffs nor the Commonwealth filed an opposition to the Motion by that deadline. Under Local Rule 7.6, the “part[ies] who fail[ed] to comply with” the deadline to file an opposition “shall be deemed not to oppose such motion.” *Id.* Thus, because Plaintiffs and Defendant Commonwealth did not file any timely opposition to the Motion to Intervene, and Defendant Schmidt previously consented, the Motion should be deemed unopposed.

For the foregoing reasons, and for the reasons provided in Proposed Intervenors’ Brief, ECF No. 23, this Court should grant the now-unopposed Motion to Intervene.

Dated: November 25, 2024

Respectfully submitted,

/s/ Lalitha D. Madduri

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served this 25th day of November, 2024, with a copy of this document via the Court's CM/ECF system.

/s/ Lalitha D. Madduri
Lalitha D. Madduri